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Attorneys for Defendants  
HAWAII PACIFIC HEALTH;  
KAPI`OLANI MEDICAL SPECIALISTS;  
AND KAPI`OLANI MEDICAL CENTER  
FOR WOMEN AND CHILDREN

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HAWAII CHILDREN=S BLOOD AND ) CIVIL NO. CV03-00708 SOM-LEK  
CANCER GROUP, ) (Other Civil Action)  
 )  
Plaintiff, ) DEFENDANTS HAWAII PACIFIC  
 ) HEALTH, KAPI`OLANI MEDICAL

vs.

HAWAII PACIFIC HEALTH;  
KAPIOLANI MEDICAL  
SPECIALISTS; KAPIOLANI  
MEDICAL CENTER FOR  
WOMEN AND CHILDREN,

Defendants.

) SPECIALISTS AND KAPIOLANI  
MEDICAL CENTER FOR  
WOMEN AND CHILDREN=S  
PRETRIAL STATEMENT;  
CERTIFICATE OF SERVICE  
)  
HEARING  
DATE: 9/5/06  
TIME: 2:00 P.M.  
JUDGE: LESLIE E. KOBAYASHI  
)  
TRIAL: 10/3/06  
JUDGE: SUSAN OKI MOLLWAY  
)

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**DEFENDANTS HAWAII PACIFIC HEALTH, KAPIOLANI  
MEDICAL SPECIALISTS AND KAPIOLANI MEDICAL CENTER  
FOR WOMEN AND CHILDREN=S PRETRIAL STATEMENT**

COME NOW Defendants Hawai`i Pacific Health, Kapi`olani Medical Specialists and Kapi`olani Medical Center for Women and Children (collectively Defendants@), by and through their attorneys, Robbins & Associates, and pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16.6 of the United States District Court for the District of Hawaii, submits its Pretrial Statement.

**1. PARTY**

Hawai`i Pacific Health (“HPH”) is a Hawaii nonprofit corporation involved in providing public health care services to the Hawaii public.

Kapiolani Medical Specialists (“KMS”) is a Hawaii nonprofit corporation located at 1319 Punahou Street in Honolulu.

Kapiolani Medical Center for Women and Children (“KMCWC”) is a Hawaii nonprofit corporation located at 1319 Punahou Street in Honolulu, and operates a hospital providing health care services to the public.

**2. JURISDICTION AND VENUE**

Jurisdiction and venue, if properly established, may exist under Sections 1 and 2 of the Sherman Act; 15 U.S.C. §§ 1, 2, 15, and 26; Sections 4 and 16 of the Clayton Act; 28 U.S.C. §§ 1331, 1337, and 1367; and 28 U.S.C. § 1391.

**3. SUBSTANCE OF ACTION**

This lawsuit arises out of alleged anti-trust claims and False Advertising injuries sustained by Plaintiff Hawaii Children’s Blood and Cancer Group (“HCBCG”), an unincorporated medical group. Plaintiff HCBCG is comprised of two hematology and oncology physicians, Kelley Woodruff, M.D. and Robert Wilkinson, M.D., who possess full medical staff privileges at Kapiolani Medical Center for Women and Children.

Dr. Woodruff’s employment with KMS was terminated for billing infractions reported to the Office of Inspector General of the Department of Health and Human Services (“OIG”). Her hospital privileges at Defendants’ facilities were, thereafter, summarily suspended.

Subsequent to the termination of Dr. Woodruff’s employment with KMS, she filed a related lawsuit in the Circuit Court of the First Circuit with the

Honorable Dexter Del Rosario, presiding. See Civil No. 02-1-0090-1 DDD. The Complaint involved monopoly/antitrust, employment, defamation, tortious interference with contractual relations, and *prima facie* tort claims against Defendants.

During ongoing mediation attempts to resolve discovery issues in the state case, Dr. Woodruff's counsel filed a complaint in federal court on December 29, 2003 on behalf of Plaintiff HCBCG. The allegations contained in the complaint are similar in scope to those alleged in the related State case: monopolization (Count I); refusal to deal (Count II); attempt to monopolize (Count III); and false and misleading advertising (defamation) (Count IV).

Plaintiffs allege that Defendants interfered and diverted new patient referrals away from the HCBCG physicians causing HCBCG's market share to fall below the requisite amount to sustain its clinical pediatric hem-onc services.

#### **4. UNDISPUTED FACTS**

None.

#### **5. DISPUTED FACTUAL ISSUES**

All remaining factual issues are in dispute.

#### **6. RELIEF PRAYED**

Plaintiffs seek:

(a) an Order, pursuant to 15 U.S.C. § 26, requiring Defendants to offer all existing and new patients the option of receiving their care from a team that

includes Plaintiff's physicians and any board-certified pediatric hem-onc clinical physicians Defendants have under contract or in their employ, and to remit a stipend to \$20,000 monthly to Plaintiff for its physicians' participation in "Team Care"; and appointing a special master to monitor Defendants' compliance with the injunction for 3 years. Defendants shall be entitled to bill third party payors for all physicians services Plaintiff's physicians provide to "Team Care" patients;

(b) that this Court adjudge and decree that Defendants and co-conspirators have entered into unlawful contracts, combinations, or conspiracies which unreasonably restrain trade in interstate commerce, in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1;

(c) that this Court adjudge and decree that Defendants have unlawfully acquired or attempted to acquire and maintain a monopoly in the market for pediatric hem-onc physician services, constituting violations of Section 2 of the Sherman Act, 15 U.S.C. § 2; and

(d) special and general damages; and

(e) treble damages pursuant to 15 U.S.C. § 15(a).

## 7. **POINTS OF LAW**

Defendants deny any wrongdoing and maintain that at all times relevant herein Defendants were not in violation of either the Sherman or Clayton Acts as set

forth in 15 U.S.C. §§ 1, 2, 15, and 26; and 28 U.S.C. §§ 1331, 1337, and 1367, and 1391.

## **8. PREVIOUS MOTIONS**

Defendants filed the following motions:

- (a) Motion to Dismiss, or in the Alternative, To Stay Proceedings Pending Resolution of the Concurrent State of Hawaii Circuit Court Case;
- (b) Renewed Motion to Dismiss, or in the Alternative, To Stay Proceedings Pending Resolution of the Concurrent State of Hawaii Circuit Court Case, or to Continue Trial; and
- (c) Motion to Modify Amended Rule 16 Scheduling Order.

## **9. WITNESSES TO BE CALLED**

It is anticipated that the expert and lay witnesses from the Circuit Court matter will be called to testify in this federal case and the identities are set forth as follows:

### Expert Witnesses:

<p>1. Dennis M. Warren, Esq. c/o John S. Nishimoto, Esq. Ayabe, Chong, Nishimoto, Sia &amp; Nakamura 2500 Pauahi Tower 1001 Bishop Street Honolulu, Hawaii 96813</p>	<p>Defendant; expected to testify as to liability and damages.</p>
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2. Lawrence Wu, Ph.D.  
 c/o Robbins & Associates  
 Davies Pacific Center  
 841 Bishop Street, Suite 2200  
 Honolulu, Hawaii 96813

Dr. Wu is an economist who will testify with respect to monopoly and antitrust issues. Dr Wu will testify as to why Plaintiffs' claims in these areas fail.

Lay Witnesses:

1. Cindy Ackerman  
 c/o Robbins & Associates  
 Davies Pacific Center  
 841 Bishop Street, Suite 2200  
 Honolulu, Hawaii 96813

Receptionist; expected to testify as to liability.

2. Mark Albers  
 c/o Watanabe Ing & Komeiji  
 First Hawaiian Center  
 23nd Floor  
 999 Bishop Street  
 Honolulu, Hawaii 96813

Deloitte & Touche Investigator; expected to testify as to liability.

3. Vernon Azuma, M.D.  
 c/o Stanley M. Chow, Esq.  
 Char Hamilton Campbell & Thom  
 Pacific Guardian Center  
 2100 Mauka Tower  
 737 Bishop Street  
 Honolulu, Hawaii 96813

Medical Executive Committee; expected to testify as to liability.

4. Richard Banner, M.D.  
 c/o Edward C. Kemper, Esq.  
 Kemper & Watts  
 Alakea Corporate Tower  
 1100 Alakea Street  
 Suite 2400  
 Honolulu, Hawaii 96813

Medical Director, AlohaCare; expected to testify as to liability.

5. Bruce Behnke  
 (Address Unknown)

Expected to testify as to liability.

6. Kenneth Blickenstaff  
c/o Watanabe Ing & Komeiji  
First Hawaiian Center  
23nd Floor  
999 Bishop Street  
Honolulu, Hawaii 96813  
Deloitte & Touche Investigator;  
expected to testify as to liability.

7. Laura Bonilla  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Clinical Service Line Director,  
Pediatrics  
Kapi'olani Medical Center for  
Women and Children; expected  
to testify as to liability.

8. Tammy Breeden  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Receptionist; expected to testify  
as to liability.

9. Bridgette Bourdoux, parent  
of Kai Wilkinson  
67-167 Kanoena Street  
Waialua, Hawaii 96791  
Expected to testify as to liability.

10. Rodney Boychuk, M.D.  
c/o Stanley M. Chow, Esq.  
Char Hamilton Campbell & Thom  
Pacific Guardian Center  
2100 Mauka Tower  
737 Bishop Street  
Honolulu, Hawaii 96813  
Expected to testify as to liability.

11. Henny Breen, R.N.  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Expected to testify as to liability.

12. Allen Britten, M.D.  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Expected to testify as to liability.

13.	Norella Brooks, R.N. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
14.	Rose Mary Bucher c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
15.	Dennis Buenavista, R.N. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
16.	Ed Cadman (Address Unknown)	Expected to testify as to liability.
17.	Emily Chang Data Management National Protocols [Address Unknown]	Expected to testify as to liability.
18.	Dr. Char c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Anesthesiologist; expected to testify as to liability.
19.	Mona J. Chong c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Administrative Assistant, Office of Compliance; expected to testify as to liability.
20.	Carrie Cup Choy c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Compliance;

21.	Jennifer Colby c/o Arleen D. Jouxson-Meyers Rafael G. del Castillo Jouxson-Meyers & del Castillo 309 California Ave., Ste. 209 Wahiawa, Hawaii 96786	Expected to testify as to liability.
22.	Jill Confair c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
23.	Lori Conley c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
24.	Robert Cooney, M.D. c/o Ryan Akamine, Esq. 2444 Dole Street Bachman Hall 110 Honolulu, Hawaii 96822	Associate Director for Scientific Administration, Cancer Research Center of Hawaii; expected to testify as to liability.
25.	Kathleen Correia c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	KH CBO Manager; expected to testify as to liability.
26.	Pamela Courtney, R.N., M.S.N. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
27.	Cindi Coyle, CPC c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	KMS Coding Team; expected to testify as to liability.

28. Kenneth Dougan, M.D.  
c/o Dianne Brookins, Esq.  
Alston Hunt Floyd & Ing  
American Savings Bank Tower Bishop  
Street, Suite 1800 Honolulu, Hawaii  
96813  
General Pediatrics and Pediatric  
Hematology/ Oncology, Kaiser  
Permanente; expected to testify  
as to liability.

29. Roger Drue  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Defendant; expected to testify as  
to liability issues.

30. Kara England, CPC  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
KMS Coding Team; expected to  
testify as to liability.

31. Judy Fadrowsky, R.N.  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Compliance Manager; expected  
to testify as to liability.

32. Dianne Fochtman, R.N.  
c/o Corlis J. Chang, Esq.  
Goodsill Anderson Quinn  
& Stifel  
Alii Place, Suite 1800  
1099 Alakea Street  
Honolulu, Hawaii 96813  
Former Pediatric Oncology  
Nurse; expected to testify as to  
liability.

33. Richard Friedman, M.D.  
c/o The Queen's Medical Ctr.  
1301 Punchbowl Street  
Honolulu, Hawaii 96813  
Former President of KMS;  
expected to testify as to liability.

34. Sarah Fryberger, M.D.  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Expected to testify as to liability.

35. Dale Fujimoto  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Expected to testify as to liability.

36. Alvin Fuse, M.D.  
c/o Stanley M. Chow, Esq.  
Char Hamilton Campbell & Thom  
Pacific Guardian Center  
2100 Mauka Tower  
737 Bishop Street  
Honolulu, Hawaii 96813  
Medical Executive Committee;  
expected to testify as to liability.

37. Leilynn Gabriel  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Expected to testify as to liability.

38. Mary Gaughran, R.N.  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
HemOnc Charge Nurse;  
expected to testify as to liability.

39. Debbie Gaynor  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
KMS General Manager;  
expected to testify as to liability.

40. J. Russell Geyer, M.D.  
Children's Hospital &  
Regional Medical Center  
4800 Sand Point Way NE  
P.O. Box 5371  
Seattle, WA 98105-0371  
Expected to testify as to liability.

41. Darryl Glaser, M.D.  
c/o Gail Y. Cosgrove, Esq.  
Hisaka Yoshida Cosgrove  
& Ching  
Pacific Guardian Center  
737 Bishop Street, Suite 3000  
Honolulu, Hawaii 96813  
KMS Employee; expected to  
testify as to liability.

42. Paul Goto  
[Address Unknown]  
Director, Hawaii Medical  
Service Association; expected to  
testify as to liability.

43. Camille Greco  
c/o Watanabe Ing & Komeiji  
First Hawaiian Center  
23nd Floor  
999 Bishop Street  
Honolulu, Hawaii 96813  
Deloitte & Touche Investigator;  
expected to testify as to liability.

44. Frances A. Hallonquist  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Defendant; expected to testify as  
to liability.

45. Sherrel Hammar, M.D.  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Defendant and Chairman, KMS  
Advisory Committee; expected  
to testify as to liability.

46. Kathleen Hanai-Lee, LSW  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Social Worker; expected to  
testify as to liability.

47. Christine Hara, M.D.  
c/o Stanley M. Chow, Esq.  
Char Hamilton Campbell & Thom  
Pacific Guardian Center  
2100 Mauka Tower  
737 Bishop Street  
Honolulu, Hawaii 96813  
Medical Executive Committee;  
expected to testify as to liability.

48. Dr. Hattori  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Anesthesiologist; expected to  
testify as to liability.

49. Michael Healy, M.D.  
1301 Punchbowl Street  
Honolulu, Hawaii 96826  
Chief of Pediatrics, The Queen's  
Medical Center; expected to  
testify as to liability.

50. Robert Y. Hee  
c/o Gail Y. Cosgrove, Esq.  
Hisaka Yoshida Cosgrove  
& Ching  
Pacific Guardian Center  
737 Bishop Street, Suite 3000  
Honolulu, Hawaii 96813  
Former Vice President of KMS;  
expected to testify as to liability.

51. Ericka Hillmer  
c/o Watanabe Ing & Komeiji  
First Hawaiian Center  
23nd Floor  
999 Bishop Street  
Honolulu, Hawaii 96813  
Deloitte & Touche Investigator;  
expected to testify as to liability.

52. Patty Hisamoto  
Office of Inspector General  
Room 5527, Cohen Building  
330 Independence Ave., S.W.  
Washington, D.C. 20201  
Expected to testify as to liability.

53.	Ann Ho c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
54.	Lynette Honbo, M.D. State of Hawaii Department of Human Services Med-QUEST Division Medical Standards Branch 601 Kamokila Boulevard Kapolei, Hawaii 96707	Medical Director; expected to testify as to liability.
55.	Mina Humphreys c/o Arleen D. Jouxson-Meyers Rafael G. del Castillo Jouxson-Meyers & del Castillo 309 California Ave., Ste. 209 Wahiawa, Hawaii 96786	Expected to testify as to liability.
56.	Millie Ichinose c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Pediatric OR Charge Nurse; expected to testify as to liability.
57.	Earl Inouye c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
58.	Sharon Inouye c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Compliance/Accounting; expected to testify as to liability.

59. Brian Issel, M.D.  
c/o Ryan Akamine, Esq.  
2444 Dole Street  
Bachman Hall 110  
Honolulu, Hawaii 96822  
Associate Director for  
Clinical Affairs, Cancer  
Research Center of Hawaii;  
expected to testify as to liability.

60. Robert Jim, M.D.  
c/o Stanley M. Chow, Esq.  
Char Hamilton Campbell & Thom  
Pacific Guardian Center  
2100 Mauka Tower  
737 Bishop Street  
Honolulu, Hawaii 96813  
Medical Executive Committee;  
expected to testify as to liability.

61. Greg Jones, Esq.  
Office of Inspector General  
Room 5527, Cohen Building  
330 Independence Ave., S.W.  
Washington, D.C. 20201  
Expected to testify as to liability.

62. Michelle Kakazu  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Financial Planning; expected to  
testify as to liability.

63. Lori Kam  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Expected to testify as to liability.

64. Sandra Kimura  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Expected to testify as to liability.

65.	Becky Kolb c/o John S. Nishimoto, Esq. Ayabe, Chong, Nishimoto, Sia & Nakamura 2500 Pauahi Tower 1001 Bishop Street Honolulu, Hawaii 96813	Expected to testify as to liability.
66.	Carol Kotsubo, R.N. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Pediatric Oncology Clinical Nurse Specialist; expected to testify as to liability.
67.	Wade Kyono, M.D. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	KMS Employee; expected to testify as to liability.
68.	Dew-Anne Langcaon c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Former Chief Operating Officer; expected to testify as to liability.
69.	Shigeko O. Lau, M.D. c/o Straub Clinic & Hospital 888 South King Street Honolulu, Hawaii 96813	Expected to testify as to liability.
70.	Jeri Leong c/o Thomas R. Sylvester, Esq. Bendet, Fidell, Sakai & Lee 81 Bishop Street, Suite 1500 Honolulu, Hawaii 96813	Outside Coding Consultant; expected to testify as to liability.
71.	Gail Lerch c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.

72.	Peter Locatelli, M.D. 77-6447 Kuakini Highway Kailua-Kona, Hawaii 96707	Expected to testify as to liability.
73.	Donna Lee McCleary, M.D. c/o Dianne Brookins, Esq. Alston Hunt Floyd & Ing American Savings Bank Tower Bishop Street, Suite 1800 Honolulu, Hawaii 96813	Vice President of Medical Group, Hawaii Permanente Medical Group; expected to testify as to liability.
74.	Kathy McGarvey c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
75.	Carmen Mallegni c/o Watanabe Ing & Komeiji First Hawaiian Center 23nd Floor 999 Bishop Street Honolulu, Hawaii 96813	Deloitte & Touche Investigator; expected to testify as to liability.
76.	Joane Marshall c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
77.	Marsha Marumoto, M.D. c/o Dianne Brookins, Esq. Alston Hunt Floyd & Ing American Savings Bank Tower Bishop Street, Suite 1800 Honolulu, Hawaii 96813	Chief General Pediatrics and Pediatric Hematology/ Oncology, Kaiser Permanente; expected to testify as to liability. as to liability.
78.	Mary Ann Lee Matsui c/o Arleen D. Jouxson-Meyers Rafael G. del Castillo Jouxson-Meyers & del Castillo 309 California Ave., Ste. 209 Wahiawa, Hawaii 96786	Expected to testify as to liability.

79.	Keith Matsumoto, M.D. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	KMCWC Chairman, Board of Directors; expected to testify as to liability.
80.	Desiree Medeiros, M.D. c/o Gail Y. Cosgrove, Esq. Hisaka Yoshida Cosgrove & Ching Pacific Guardian Center 737 Bishop Street, Suite 3000 Honolulu, Hawaii 96813	KMS Employee; expected to testify as to liability.
81.	Marion Melish, M.D. c/o John S. Edmunds, Esq. Edmunds & Verga 2104 Davies Pacific Center 841 Bishop Street Honolulu, Hawaii 96813	Expected to testify as to liability.
82.	Tracy Methered c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Clinical Information System Analyst; expected to testify as to liability.
83.	John Minor c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Director, Patient Registration; expected to testify as to liability.
84.	Dr. Miyahara c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Anesthesiologist; expected to testify as to liability.

85. Phillip Moon, Esq.  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Former KH General Counsel;  
expected to testify as to liability.

86. Desiree Ann Mori  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Receptionist; expected to testify  
as to liability.

87. Willow Morton  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Expected to testify as to liability.

88. Linda Nahulu, M.D.  
c/o Stanley M. Chow, Esq.  
Char Hamilton Campbell & Thom  
Pacific Guardian Center  
2100 Mauka Tower  
737 Bishop Street  
Honolulu, Hawaii 96813  
Medical Executive Committee;  
expected to testify as to liability.

89. Kenneth Nakamura, M.D.  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Medical Director; expected to  
testify as to liability.

90. Cindy Lou Neely  
c/o Edward C. Kemper, Esq.  
Kemper & Watts  
Alakea Corporate Tower  
1100 Alakea Street  
Suite 2400  
Honolulu, Hawaii 96813  
Chief Financial Officer,  
AlohaCare; expected to testify  
as to liability.

91.	Lawrence O'Brien c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Former KMCWC Chief Executive Officer; expected to testify as to liability.
92.	Dee Ann Omatsu, R.N. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
93.	Sharon On Leng, Esq. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Former KH General Counsel; expected to testify as to liability.
94.	Ginger Osman UCLA Dept. of Pediatrics David Geffen School of Medicine at UCLA 10833 Le Conte Avenue Los Angeles, California 90095	Executive Director, UCLA; expected to testify as to liability.
95.	Sharon Powlison, R.N. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
96.	Jean Quigby, R.N. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
97.	Bob Quillinan c/o Watanabe Ing & Komeiji First Hawaiian Center 23nd Floor 999 Bishop Street Honolulu, Hawaii 96813	Deloitte & Touche Investigator; expected to testify as to liability.

98. Dale Reimer  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Director Clinical Services;  
expected to testify as to liability.

99. Judy Riesen  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Expected to testify as to liability.

100. Richard Robel  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
KH Compliance Officer;  
expected to testify as to liability.

101. Linda Rosen, M.D.  
c/o Jill Nagamine, Esq.  
Dept. of the Attorney General  
45 S. King St., Room 200  
Honolulu, Hawaii 96813  
Deputy Director for Health  
Resources Administration of  
Department of Health; expected  
to testify as to liability.

102. Raul Rudoy, M.D.  
c/o Ryan Akamine, Esq.  
2444 Dole Street  
Bachman Hall 110  
Honolulu, Hawaii 96822  
Professor and Chairman, U.H.  
School of Medicine,  
Department of Pediatrics;  
expected to testify as to liability.

103. David Sakamoto, M.D.  
c/o Robyn B. Chun, Esq.  
Deputy Attorney General  
Dept. of the Attorney General  
465 S. King Street, Room 200  
Honolulu, Hawaii 96813  
Administrator, Department of  
Health and Human Services  
Division; expected to testify as  
to liability.

104. Steven S. Sameshima, M.D.  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Expected to testify as to liability.

105.	Amy Schearer c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Clinical Information System Analyst; expected to testify as to liability.
106.	Julie Sestak, R.N. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
107.	Michael L. Shaw, Esq. Office of Inspector General Room 5527, Cohen Building 330 Independence Ave., S.W. Washington, D.C. 20201	General Counsel; expected to testify as to liability.
108.	Walton Shim, M.D. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	KMCWC Chief of Staff; expected to testify as to liability.
109.	Bruce Shiramizu c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
110.	Michael Sia, M.D. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Chair, Department of Pediatrics; expected to testify as to liability.
111.	Charles A. Sted c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Chief Executive Officer; expected to testify as to liability.

112.	Martha B. Smith c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Chief Operating Officer; expected to testify as to liability.
113.	Jack Sui (Address Unknown)	Expected to testify as to liability.
114.	Don Svendson c/o Watanabe Ing & Komeiji First Hawaiian Center 23nd Floor 999 Bishop Street Honolulu, Hawaii 96813	Deloitte & Touche Investigator; expected to testify as to liability.
115.	Cathy Tamanaha c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Human Resources; Expected to testify as to liability.
116.	Joelle Tanaka c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
117.	Jane Thorpe, R.N. c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	Expected to testify as to liability.
118.	Tracie Ann Tjapkes c/o Robbins & Associates Davies Pacific Center 841 Bishop Street, Suite 2200 Honolulu, Hawaii 96813	KMS General Manager; expected to testify as to liability.

119. Robert Tyson, M.D.  
c/o Stanley M. Chow, Esq.  
Char Hamilton Campbell & Thom  
Pacific Guardian Center  
2100 Mauka Tower  
737 Bishop Street  
Honolulu, Hawaii 96813

120. James Vagenas  
c/o Watanabe Ing & Komeiji  
First Hawaiian Center  
23nd Floor  
999 Bishop Street  
Honolulu, Hawaii 96813

121. Carl Vogel, M.D.  
c/o Ryan Akamine, Esq.  
2444 Dole Street  
Bachman Hall 110  
Honolulu, Hawaii 96822

122. Randy Wada, M.D.  
c/o Ryan Akamine, Esq.  
2444 Dole Street  
Bachman Hall 110  
Honolulu, Hawaii 96822

123. Ken Ward, M.D.  
Kapiolani Medical Center  
for Women & Children  
1319 Punahou Street, #824  
Honolulu, Hawaii 96826

124. Dennis M. Warren, Esq.  
c/o John S. Nishimoto, Esq.  
Ayabe, Chong, Nishimoto,  
Sia & Nakamura  
2500 Pauahi Tower  
1001 Bishop Street  
Honolulu, Hawaii 96813

Medical Executive Committee;  
expected to testify as to liability.

Deloitte & Touche Investigator;  
expected to testify as to liability.

Administrator, Cancer Research  
Center of Hawaii; expected to  
testify as to liability.

KMS Employee; expected to  
testify as to liability.

Chair, Dept. of OB/GYN  
JABSOM; expected to testify as  
to liability.

Expected to testify as to liability.

125. Jaime Wheeler  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Expected to testify as to liability.

126. Robert Wilkinson, M.D.  
c/o Arleen D. Jouxson-Meyers  
Rafael G. del Castillo  
Jouxson-Meyers & del Castillo  
309 California Ave., Ste. 209  
Wahiawa, Hawaii 96786  
Former Medical Director of  
Hematology/Oncology Division;  
expected to testify as to liability.

127. Neal Winn, M.D.  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Defendant and Former Chief  
Medical Officer; expected to  
testify as to liability.

128. Dawn Wittke, CPC  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
KMS Coding Team; expected to  
testify as to liability.

129. Carmen Wolf, R.N.  
c/o Watanabe Ing & Komeiji  
First Hawaiian Center  
23nd Floor  
999 Bishop Street  
Honolulu, Hawaii 96813  
Deloitte & Touche Investigator;  
expected to testify as to liability.

130. Alan Wong  
(Address Unknown)  
Expected to testify as to liability.

131. Joyce Wong, R.N.  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813  
Expected to testify as to liability.

132. Kelley A. Woodruff, M.D.  
c/o Arleen D. Jouxson-Meyers  
Rafael G. del Castillo  
Jouxson-Meyers & del Castillo  
309 California Ave., Ste. 209  
Wahiawa, Hawaii 96786

133. Brenda Wright  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813

134. Kathy Yanik  
c/o Robbins & Associates  
Davies Pacific Center  
841 Bishop Street, Suite 2200  
Honolulu, Hawaii 96813

135. Henry Yim, M.D.  
45-710 Kamehameha Highway  
Kaneohe, Hawaii 96744

136. Susan Young, R.N.  
c/o David Simons, Esq.  
707 Richards Street, PH1  
Honolulu, Hawaii 96813

137. Parents/Patients of the PAU, whose identities have yet to be determined

Plaintiff; expected to testify as to liability.

Mother of Angelica Wright; expected to testify as to liability.

Expected to testify as to liability.

Expected to testify as to liability.

Former Director of Pediatrics and Transport; expected to testify as to liability.

If and as necessary family members of patients to testify re: conflicts among the PAU physicians.

Defendants reserve the right to call and/or name any and all witnesses named and/or called by plaintiffs in this action, including rebuttal witnesses.

Defendants reserve the right to substitute and add expert and lay witnesses, as necessary and as continuing discovery discloses the need to do so.

**10. EXHIBITS, SCHEDULES AND SUMMARIES**

Discovery has not progressed to a point where this subject can be adequately addressed.

**11. FURTHER DISCOVERY OR MOTIONS**

The parties are attempting to agree to a discovery schedule for the remaining deponents in the state action.

It is too early to predict what other motions will be filed. However, it is anticipated that numerous motions in limine will be filed prior to trial. Additionally, a *res judicata* motion will likely be filed pending resolution of the state action.

**12. STIPULATIONS**

No stipulations have been entered into at this time.

**13. AMENDMENTS, DISMISSAL**

No amendments to the pleadings are requested at present. The option of dismissal of the action without prejudice has been evaluated by the parties. HPH Defendants remain agreeable to dismissal of this action with Plaintiff's retaining the right to refile subsequent to the conclusion of the state action.

**14. SETTLEMENT DISCUSSIONS**

There have been no settlement discussions.

**15. AGREED STATEMENT**

An agreed statement of facts is not presently regarded as either feasible or desirable.

**16. BIFURCATION, SEPARATE TRIAL OF ISSUES**

Bifurcation or a separate trial of issues is not presently regarded as either feasible or desirable.

**17. REFERENCE TO MASTER OR MAGISTRATE**

At present, reference of the action to a master or a magistrate does not appear to be either feasible or desirable.

**18. APPOINTMENT AND LIMITATION OF EXPERTS**

The appointment by the Court of an impartial expert or a limitation on the number of expert witnesses is not presently regarded as either feasible or desirable.

**19. TRIAL**

Trial is scheduled for October 3, 2006.

**20. ESTIMATE OF TRIAL TIME**

A trial involving no more than 15 Court days is expected.

**21. CLAIMS OF PRIVILEGE OR WORK PRODUCT**

At present, no claims of privilege or work product limit Defendants' preparation of this pretrial statement.

**22. MISCELLANEOUS**

No miscellaneous matters have presently been identified for inclusion in this pretrial statement.

DATED: Honolulu, Hawaii, August 29, 2006.

/s/ Kenneth S. Robbins

KENNETH S. ROBBINS  
LEIGHTON M. HARA  
WENDY M. YAMAMOTO

Attorneys for Defendants  
HAWAII PACIFIC HEALTH,  
KAP'OLANI MEDICAL SPECIALISTS  
AND KAP'OLANI MEDICAL CENTER  
FOR WOMEN AND CHILDREN

Civil No. CV03-00708 SOM-LEK; Hawaii Children's Blood and Cancer Group v. Hawai'i Pacific Health, et al.; DEFENDANTS HAWAII PACIFIC HEALTH, KAP'OLANI MEDICAL SPECIALISTS, AND KAP'OLANI MEDICAL CENTER FOR WOMEN AND CHILDREN'S PRETRIAL STATEMENT